IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6411 of 2006

1. Shri Bapu Santu Bhanuse
and another ..Petitioners

vs.

1. Shri Bapu Shripati Bhanuse
and another ..Respondents

Shri G.S.Godbole for petitioners.

CORAM: S.C.DHARMADHIKARI J.
14th June, 2007

P.C.

1. Heard Shri Godbole for the petitioners. Perused the impugned order which is interlocutory order passed on the application made for measurement of the suit land through the means of the Commissioner. The petitioners are the original defendants. The suit has already proceeded and the plaintiff has stepped into the witness box so also another witnesses who have been cross examined. In such circumstances no case is made out for interfering with this order at this stage as it is an interlocutory order. If the final order in the suit is adverse to the petitioners the petitioners can challenge the same and during the course of the same raise all grounds and contentions including the one raised in the present petition. Dismissal of this petition and observations in the impugned order will not in any manner obstruct or

interfere with the right of the petitioners to challenge the final order in the suit. With this clarification the petition is dismissed.

(S.C.DHARMADHIKARI J.)